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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

Arizona Corporation Commission

DOCKETED

APR 29 2004

MARC SPITZER, Chairman  
WILLIAM A. MUNDELL  
JEFF HATCH-MILLER  
MIKE GLEASON  
KRISTIN K. MAYES

DOCKETED BY

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AZ CORP COMMISSION  
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IN THE MATTER OF THE APPLICATION OF  
ARIZONA PUBLIC SERVICE COMPANY FOR A  
HEARING TO DETERMINE THE FAIR VALUE  
OF THE UTILITY PROPERTY OF THE  
COMPANY FOR RATEMAKING PURPOSES, TO  
FIX A JUST AND REASONABLE RATE OF  
RETURN THEREON, TO APPROVE RATE  
SCHEDULES DESIGNED TO DEVELOP SUCH  
RETURN, AND FOR APPROVAL OF  
PURCHASED POWER CONTRACT.

DOCKET NO. E-01345A-03-0437

PROCEDURAL ORDER

**BY THE COMMISSION:**

On April 6, 2004, Arizona Corporation Commission Staff filed a Motion to Amend the Rate Case Procedural Order ("Motion"). On April 15, 2004, a procedural conference was held to hear argument/discussion on the Motion. By Procedural Order issued April 16, 2004, new dates for filing surrebuttal and rejoinder were established, and another procedural conference was scheduled for April 28, 2004.

During the April 28, 2004 procedural conference, the issue raised in the Arizona Competitive Power Alliance's ("Alliance") April 8, 2004 letter concerning the availability of information related to Arizona Public Service Company's ("APS") Request for Proposal ("RFP") was discussed and the parties reported that they had resolved the issue. The parties also responded to the request for a temporary stay of the procedural schedule and discovery, reported on the procedures that had been implemented for settlement discussions, and responded to questions from Commissioners. No party opposed the temporary stay of the procedural schedule and discovery or opposed or objected to the procedures established for settlement discussions. Accordingly, the requested stay was granted.

IT IS THEREFORE ORDERED that effective May 1, 2004, the procedural schedule and discovery in this matter is stayed in order to allow the parties to participate in settlement discussions.

1 IT IS FURTHER ORDERED that the stay shall be effective until at least May 26, 2004 at  
2 which time another procedural conference shall be conducted to determine whether the stay should be  
3 extended.

4 IT IS FURTHER ORDERED that a procedural conference shall be held on May 26, 2004  
5 beginning at 10:00 a.m. or as soon thereafter as is practical, at the Commission's office, 1200 W.  
6 Washington Street, Phoenix, Arizona for the purpose of determining whether the stay should be  
7 extended.<sup>1</sup>

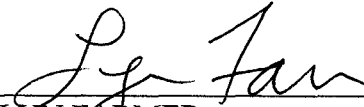
8 IT IS FURTHER ORDERED that at any time prior to the May 26, 2004 procedural  
9 conference, any party may request an earlier procedural conference if that party believes that no  
10 meaningful progress in settlement discussions has been or can be made.

11 IT IS FURTHER ORDERED that the testimony filing dates and dates for pre-hearing and  
12 hearing are hereby vacated; however, the timeframes inherent in those dates will be maintained for  
13 purposes of scheduling should settlement discussions not be fruitful.<sup>2</sup>

14 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113-Unauthorized  
15 Communications) continues to apply to this proceeding.

16 IT IS FURTHER ORDERED that the Presiding Officer may rescind, alter, amend, or waive  
17 any portion of this Procedural Order either by subsequent Procedural Order or by ruling at hearing.

18 DATED this 29<sup>th</sup> day of April, 2004.

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22   
23 LYN FARMER  
24 CHIEF ADMINISTRATIVE LAW JUDGE  
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27 <sup>1</sup> The telephone number for parties appearing telephonically is 602 542-9004.

28 <sup>2</sup> For example, upon resumption of the procedural schedule, surrebuttal testimony would be due in approximately 34 days and rejoinder in approximately 62 days. This schedule would not necessarily apply to any settlement agreement.

Copies of the foregoing mailed/delivered  
this 24th day of April, 2004 to:

Thomas L. Mumaw  
Karilee S. Ramaley  
PINNACLE WEST  
CAPITAL CORPORATION  
P.O. Box 53999, MS 8695  
Phoenix, Arizona 85072-3999

Jeffrey B. Guldner  
Faraq Sanei  
SNELL & WILMER  
One Arizona Center  
400 E. Van Buren Street  
Phoenix, Arizona 85004-2202  
Attorneys for Arizona Public Service Company

C. Webb Crockett  
FENNEMORE CRAIG  
3003 N. Central Avenue, Suite 2600  
Phoenix, Arizona 85012  
Attorneys for AECC and Phelps Dodge

Major Allen G. Erickson  
AFCES A/ULT  
139 Barnes Drive, Suite 1  
Tyndall AFB, Florida 32403-5319  
Attorney for FEA

Michael L. Kurtz  
BOEHM, KURTZ & LOWRY  
36 E. Seventh Street, Suite 2110  
Cincinnati, Ohio 45202  
Attorneys for Kroger Company

Scott Wakefield  
RUCO  
1110 W. Washington St., Suite 220  
Phoenix, Arizona 85007

Walter W. Meek  
AUIA  
2100 N. Central Ave., Suite 210  
Phoenix, Arizona 85067

Nicholas J. Enoch  
LUBIN & ENOCH  
349 N. Fourth Avenue  
Phoenix, Arizona 85003  
Attorneys for IBEW

Bill Murphy  
MURPHY CONSULTING  
2422 E. Palo Verde Drive  
Phoenix, Arizona 85016  
Consultant for Arizona Cogeneration Assn.

Jay L. Shapiro  
Patrick J. Black  
FENNEMORE CRAIG  
3003 N. Central Avenue, Suite 2600  
Phoenix, Arizona 85012  
Attorneys for Panda Gila River, L.P.

Robert W. Geake  
ARIZONA WATER COMPANY  
P.O. Box 29006  
Phoenix, Arizona 85038-9006

Andrew W. Bettwy  
Bridget A. Branigan  
SOUTHWEST GAS CORPORATION  
5241 Spring Mountain Road  
Las Vegas, Nevada 89150

Timothy M. Hogan  
ARIZONA CENTER FOR LAW  
IN THE PUBLIC INTEREST  
202 E. McDowell Rd., Suite 153  
Phoenix, Arizona 85004  
Attorneys for Western Resource Advocates and  
Southwest Energy Efficiency Project

Paul R. Michaud  
Michaud Law Firm  
23 Crimson Heights Road,  
Portland, CT 06480  
Attorneys for Dome Valley Energy Partners, LLC

Marvin S. Cohen  
SACKS TIERNEY, P.A.  
4250 North Drinkwater Blvd., 4<sup>th</sup> Floor  
Scottsdale, AZ 85251-3693  
Attorneys for Constellation NewEnergy, Inc., Strategic Energy, L.L.C.

Jeff Schlegel  
SWEEP Arizona Representative  
1167 W. Samalayuca Drive  
Tucson, AZ 85704

Raymond S. Heyman  
Laura Schoeler  
ROSHKA, HEYMAN & DeWULF  
400 E. Van Buren, Suite 800  
Phoenix, Arizona 85004  
Attorneys for UniSource Energy Services

Deborah R. Scott  
UNISOURCE ENERGY SERVICES  
One South Church Street, Suite 200  
Tucson, Arizona 85702

J. William Moore  
1144 E. Jefferson  
Phoenix, Arizona 85034  
Attorney for Kroger Co.

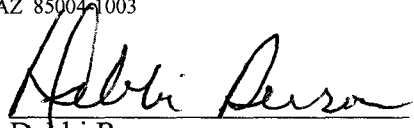
Cynthia Zwick  
Arizona Community Action Association  
2627 N. 3<sup>rd</sup> Street, Ste. Two  
Phoenix, AZ 85004

S. David Childers  
LOW & CHILDERS  
2999 North 44<sup>th</sup> Street, Ste. 250  
Phoenix, AZ 85018  
Attorney for Arizona Competitive Power Alliance

- 1 James M. Van Nostrand  
Katherine McDowell  
George M. Galloway  
STOEK RIVES
- 2 900 SW Fifth Avenue, Ste. 2600  
Portland, OR 97204  
Attorneys for Arizona Competitive Power Alliance
- 3 Greg Patterson, Executive Director  
Arizona Competitive Power Alliance  
916 West Adams, Ste. 3  
Phoenix, AZ 85007
- 4 Michael A. Curtis  
MARTINEZ & CURTIS, P.C.  
2712 N. Seventh Street  
Phoenix, AZ 85006-1090
- 5 Attorneys for Town of Wickenburg
- 6 Rebecca C. Salisbury  
56<sup>th</sup> Fighter Wing JA  
7383 N. Litchfield Road  
Luke AFB, AZ 85309-1540
- 7 Attorney for Federal Executive Agencies
- 8 Allen Glen Erickson  
139 Barnes Drive  
AFCEA/ULT  
Tyndall AFB, FL 32403
- 9 Attorney for Federal Executive Agencies
- 10 Jon Poston  
AARP Electric Rate Project  
6733 East Dale Lane  
Cave Creek, AZ 85331
- 11 Coralette Hannon  
AARP Department of State Affairs  
6705 Reedy Creek Road  
Charlotte, NC 28215
- 12 Lawrence V. Robertson  
MUNGER CHADWICK  
333 N. Wilmot, Ste. 300  
Tucson, AZ 85711
- 13 Attorneys for Southwestern Power Group II, LLC,  
Mesquite Power and Bowie Power Station
- 14 Jay I. Moyes  
MOYES STOREY  
3003 N. Central Avenue, #1250  
Phoenix, AZ 85012
- 15 Attorneys for PPL Sundance, LLC and PPL Southwest Generation  
Holdings, LLC
- 16 Jesse A. Dillon  
PPL Services Corporation  
Two N. Ninth Street  
Allentown, PA 18101
- 17 Sean Seitz  
AriSEIA  
5056 S. 40<sup>th</sup> Street, Suite C  
Phoenix, Arizona 85040
- 18 Christopher Kempley, Chief Counsel  
Legal Division  
ARIZONA CORPORATION COMMISSION  
1200 West Washington Street  
Phoenix, AZ 85007
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

Ernest G. Johnson, Director  
Utilities Division  
ARIZONA CORPORATION COMMISSION  
1200 West Washington Street  
Phoenix, AZ 85007

ARIZONA REPORTING SERVICE  
2627 N. Third Street, Ste. Three  
Phoenix, AZ 85004-1003

By:   
Debbi Person  
Secretary to Lyn Farmer